

REMARKS

Claims 1-52 are pending in the application. The examiner has indicated that claims 2-17, 22-23, 25-35, 38-39, 41-46 and 49-52 would be allowable if rewritten to be in independent form. As a result, claims 1, 18-21, 24, 36-37, 40, and 47-48 are at issue.

This amendment is timely filed as it is being submitted on June 13, 2005 with a certificate of mailing under 37 C.F.R. § 1.8, a petition for a two-month extension of time, and a check for \$450.00 for the required petition fee under 37 C.F.R. § 1.17(a)(1), thereby extending the response date until June 13, 2005, which is the first business day after June 12, 2005. Although applicants believe that no other fees are due, the Commissioner is hereby authorized to charge any fees or to credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. In addition, if a petition for any additional extension of time under 37 C.F.R. 1.136(a) is necessary to maintain the pendency of this application and is not otherwise requested in this case, applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 C.F.R. § 1.17(a) corresponding to the needed extension of time to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP.

Applicants respectfully traverse the rejection of claim 1 as anticipated by Sederlund et al. (U.S. Patent 6,647,301). Reconsideration and withdrawal of the rejection is respectfully requested. Claim 1 recites a diagnostic system for use in a process plant having both a process control system and a safety system, in which a process control system controller is communicatively coupled to a diagnostic application within a computer and to one or more process control field devices, and in which a safety system controller is communicatively coupled to the diagnostic application within the computer and to one or more safety system

More particularly, while Sederlund et al. discloses the use of diagnostics executed by the control computer disclosed therein, Sederlund et al. does not disclose a diagnostic application stored on the memory of a computer that enables one or more users to perform a diagnostic activity with respect to **both** a process control system and a safety system. In fact, Sederlund et al. only integrates the process control system and the safety system at the compiling level (i.e., it compiles these separate programs in the same language), not at the operations or diagnostics level. Thus, while Sederlund et al. discloses a front end communication system that transfers data from control computers to an operator workstation and enables an operator to send command signals to the control computers, this communication system is not a diagnostic application stored on the memory of a computer that enables one or more users to perform a diagnostic activity with respect to both the process control system and the safety system. Still further, the examiner's references to Col. 74 and Col. 85 of Sederlund et al. do not support the examiner's contention, as each of these sections of Sederlund et al. deal with control diagnostics performed by the control computers and do not even mention diagnostics performed by the safety system. These sections certainly do not indicate that a common diagnostic routine implements diagnostics for both a process control system and a safety system.

Even if Sederlund et al. could be considered to have a diagnostic application that enabled one or more users to perform a diagnostic activity with respect to both a process control system and a safety system, Sederlund et al. does not disclose the use of a common communication format including a field that distinguishes process control system messages from safety system messages. In fact, Figure 1 of Sederlund et al., as cited by the examiner, particularly describes the process control system program, circuitry and communications associated therewith as being separated from the safety system program, circuitry and

field devices. The diagnostic application performs diagnostic activities for both the process control system and the safety system and communicates process control system messages to or from the process control system controller and communicates safety system messages to or from the safety system controller using a common communication format including a field that distinguishes the process control system messages from the safety system messages.

Sederlund et al. simply does not disclose or suggest a diagnostic application which communicates with both a process control system controller and a safety system controller, much less one that does so using a common communication format including a field that distinguishes the process control system messages from the safety system messages.

While Sederlund et al. discloses a process control system with an integrated safety system, the integration of Sederlund et al. system occurs only as a result of the general process control source code and the safety system source code being compiled in the same compile instance using the same programming language. Importantly, the process control system routine and the safety system routine of Sederlund et al. otherwise operate separately and, to the extent that they perform diagnostics at all, appear to perform diagnostics separately, and not using a common diagnostic routine as recited by claim 1. Thus, Sederlund et al. does not disclose a diagnostic application that performs a diagnostic activity with respect to both a process control system and a safety system. Still further, even if Sederlund et al. did include a diagnostic routine that communicated with both the process control system and the safety system, Sederlund et al. does not disclose the use of a common communication format including a field that distinguishes process control system messages from safety system messages for communications between the process control system or the safety system on the one hand and the diagnostic application on the other hand. As a result, Sederlund et al. cannot anticipate claim 1.

communications. As a result, Sederlund et al., does not disclose the use of a common communication format for each of the process control system and the safety system or the use of a field to distinguish process control system messages from safety system messages, nor would Sederlund et al. need to, as these communication systems are separate in the Sederlund et al. system. In any event, the examiner has not pointed to any disclosure in Sederlund et al. which positively supports his contention that the Sederlund et al. system uses a common communication format having a field that distinguishes process control system messages from safety system messages. For these reasons, applicants submit that Sederlund et al. does not anticipate or render claim 1 obvious.

Applicants respectfully traverse the rejection of claims 18-21, 24, 36-37, 40 and 47-48 as obvious over Sederlund et al. in view of Bennett et al. (U.S. Patent 6,775,707).

Reconsideration and withdrawal of the rejection is respectfully requested.

Each of claims 18-21, 24, 36-37, 40 and 47-48 recites a diagnostic system, an alarm display application or a method of handling alarms that receives both process control system alarm messages and safety system alarm messages and that displays both types of messages on a common user interface to one or more users in a manner that distinguishes the process control system alarms from the safety system alarms. Neither Sederlund et al. nor Bennett et al. discloses or suggests the display of both process control system alarms and safety system alarms in a common alarm display, much less doing so in a manner that distinguishes these alarms from one another.

While Sederlund et al. discloses the use of both a process control system and a safety system, as noted by the examiner, Sederlund et al. does not disclose any manner of displaying alarms for either of these systems, much less of displaying alarms from these different systems on the same alarm display. While Bennett et al. discloses an alarm management

application that can receive multiple process control system alarms, Bennett et al. does not disclose a network that includes both a process control system and a safety system, and thus cannot disclose or suggest displaying alarms from both a process control system and a safety system on a common user interface or display. Instead, Bennett et al. is limited to the display of different process control system alarms on the same display. The examiner's recitation of Col. 19, lines 26-47 does not support the examiner's contention, as this section of Bennett et al. has nothing to do with and does not even mention safety system alarms. Because Bennett et al. does not include or use a safety system, or disclose the creation of alarms associated with such a safety system, Bennett et al. cannot disclose or suggest a routine that displays both process control system alarms and safety system alarms to one or more users in a manner that distinguishes the process control system alarms from the safety system alarms.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). This principle holds true even if the applied art could be modified to produce the invention recited by the pending claims. See, *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") Because neither Sederlund et al. nor Bennett et al. discloses or suggests the display of both process control system alarms and safety system alarms in a common display and/or in a manner that distinguishes these two types of alarms from one another, it follows that no combination of these documents can render any of the claims 18-21, 24, 36-37, 40 and 47-48 obvious.

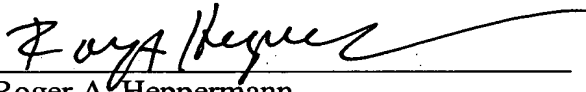
CONCLUSION

For the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejections, and allowance of claims 1-52. If there are matters that can be discussed by telephone to further the prosecution of this application, applicants respectfully request that the examiner call its attorney at the number listed below.

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Respectfully submitted,

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